IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 14301 of 2004

Between:

Y.Yadagiri, S/o Y.Narsimha,
R/o H.No.8-3-273, Yousufguda, Hyderabad

..... PETITIONER

AND

The Mandal Revenue Officer, Qutbullapur Mandal, Ranga Reddy District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondent in removing the pipes from the bore-well of the petitioner in the land situated in Survey No.211 of Gajularamaram Village, Qutbullapur Mandal, Ranga Reddy District, as illegal and void.

For the Petitioner: MR.A.RAMANARAYANA , Advocate

For the Respondent: GP FOR REVENUE

The Court made the following :

ORDER

Heard the learned counsel for the petitioner as well as Assistant Government Pleader for Revenue.

The petitioner claims to have purchased 400 sq. yards of site in S.No.211 of Gajularamaram village, Qutbullapur Mandal, Ranga Reddy District under a registered sale deed dt. 28-6-21996 filed the present writ petition stating that the petitioner is drawing water from the bore-well dug by him in his own land. While so, the respondent without giving any notice pointing out violations of any provisions under A.P. Water, Land and Trees Act, 2002 (for short "the Act") and rules made thereunder, removed the pipes from the bore-well, which is arbitrary and illegal.

The only submission made by the petitioner is that even if the respondent wants to exercise any power conferred under the Act, he has to give notice before taking any action. Without any notice, he has no power to deprive the petitioner from drawing the water form his bore-well.

Learned Government Pleader on instructions submits that the petitioner is supplying water to the industrial units by tankers, which decreases the ground water.

Rule 15 of the A.P.Water, Land and Trees Rules, 2002 contemplates that the unless the

designated officer identifies the well as required to ensure supply of drinking water cannot take over other wells. Therefore, the respondent cannot close the bore-well dug by the petitioner.

In view of the same, the respondent is hereby directed to follow necessary procedure as contemplated under the Act and rules made thereunder before taking any action against the petitioner. But this would not mean the closure of the bore-well. This order cannot be understood that the petitioner is entitled to draw water other than drinking for his own use. In other words, the petitioner is entitled to draw water for his domestic needs only.

With the above direction, the writ petition is disposed of.

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A.GOPAL REDDY,J

Dt. 25-10-2004

kmr

To

1. The Mandal Revenue Officer, Qutbullapur Mandal, Ranga Reddy District

2. 2CCs to the Govt., Pleader for Revenue, High Court Buildings, Hyderabad (OUT)

3. 2CD copies

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